



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/698,743	10/27/2000	Kevin Bowen	99-26

Michael W Haas  
Respironics Inc  
1501 Ardmore Boulevard  
Pittsburgh, PA 15221



## FORMALITIES LETTER



\*OC000000005660054\*

Date Mailed: 01/08/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09C98743

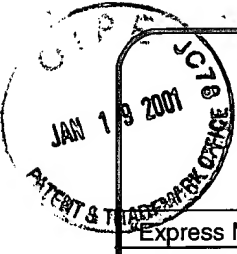
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# FEE TRANSMITTAL

(Effective 10/01/2000)

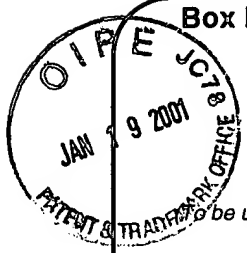
Application Number	09/698,743
Filing Date	October 27, 2000
First Named Inventor	BOWEN et al.
Confirmation Number	Unknown
Group Art Unit	3764
Examiner's Name	Unknown
Attorney Docket No.	99-26

Express Mail® Label No.

TOTAL AMOUNT OF PAYMENT	\$ 130.00
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																		
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <b>50-0558</b></p> <p>Deposit Account Name: <b>Respironics, Inc.</b></p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20</p> <p><input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or declaration</td> <td>130.00</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or or cover sheet</td> <td></td> </tr> <tr> <td>145</td> <td>100</td> <td>145</td> <td>100</td> <td>Certificate of Correction</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>576</td> <td>25</td> <td>576</td> <td>25</td> <td>Additional filing receipt, duplicate or corrected due to applicant error</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for response within first month</td> <td></td> </tr> <tr> <td>116</td> <td>390</td> <td>216</td> <td>195</td> <td>Extension for response within second month</td> <td></td> </tr> <tr> <td>117</td> <td>890</td> <td>217</td> <td>445</td> <td>Extension for response within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,390</td> <td>218</td> <td>695</td> <td>Extension for response within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,890</td> <td>228</td> <td>945</td> <td>Extension for response within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>310</td> <td>219</td> <td>155</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>310</td> <td>220</td> <td>155</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>270</td> <td>221</td> <td>135</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive unavoidably abandoned application</td> <td></td> </tr> <tr> <td>141</td> <td>1,240</td> <td>241</td> <td>620</td> <td>Petition to revive unintentionally abandoned application</td> <td></td> </tr> <tr> <td>142</td> <td>1,240</td> <td>242</td> <td>620</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>440</td> <td>243</td> <td>220</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>148</td> <td>110</td> <td>248</td> <td>55</td> <td>Statutory Disclaimer</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>240</td> <td>126</td> <td>240</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (times number of property)</td> <td></td> </tr> <tr> <td>146</td> <td>710</td> <td>246</td> <td>355</td> <td>Filing a submission after final rejection (37 C.F.R. § 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>710</td> <td>249</td> <td>355</td> <td>For each additional invention to be examined (37 C.F.R. § 1.129(b))</td> <td></td> </tr> <tr> <td colspan="5">Other Fee (specify) _____</td> <td></td> </tr> <tr> <td colspan="5"><b>SUBTOTAL (3)</b></td> <td><b>\$ 130.00</b></td> </tr> </tbody> </table>					Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or declaration	130.00	127	50	227	25	Surcharge - late provisional filing fee or or cover sheet		145	100	145	100	Certificate of Correction		147	2,520	147	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for response within first month		116	390	216	195	Extension for response within second month		117	890	217	445	Extension for response within third month		118	1,390	218	695	Extension for response within fourth month		128	1,890	228	945	Extension for response within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive unavoidably abandoned application		141	1,240	241	620	Petition to revive unintentionally abandoned application		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		148	110	248	55	Statutory Disclaimer		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of property)		146	710	246	355	Filing a submission after final rejection (37 C.F.R. § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 C.F.R. § 1.129(b))		Other Fee (specify) _____						<b>SUBTOTAL (3)</b>					<b>\$ 130.00</b>
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<b>SUBMITTED BY</b>					
Typed or Printed Name	Michael W. Haas			Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	January 17, 2001	Deposit Account Number	50-0558

**Box Missing Parts****TRANSMITTAL  
FORM**

to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 10

Application Number	09/698,743
Filing Date	October 27, 2000
Confirmation Number	Unknown
Inventor(s)	BOWEN et al.
Group Art Unit	3764
Examiner	Unknown
Attorney Docket No.	99-26

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (submit in duplicate)	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and cover sheet
<input checked="" type="checkbox"/> Fee Attached \$ 130.00	<input type="checkbox"/> Cover Sheet	<input type="checkbox"/> After Allowance Communication to Group
Check No.: <input type="text"/>	<input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing - related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Address	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer(s)	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Cited References	<input checked="" type="checkbox"/> Request for Corrected Filing Receipt	
<input type="checkbox"/> Search report		
<input type="checkbox"/> Drawing(s): Number of Pages _____	<input type="checkbox"/> Other Enclosure(s): _____	
Number of Figs. _____ and cover sheet		
<input type="checkbox"/> Formal		
<input type="checkbox"/> Informal		

**Current Due Date:** March 8, 2001**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1501 Ardmore Boulevard, Pittsburgh PA, 15221
Signature	<i>Michael W. Haas</i>
Date	January 17, 2001

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on this date: January 17, 2001.

Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	January 17, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re PATENT APPLICATION of

BOWEN et al.

Appln. No.: 09/698,743

Filed: October 27, 2000



Group Art Unit: 3764

Examiner: Unknown

Conf. No.: Unknown

For: METHOD AND APPARATUS FOR  
MONITORING AND CONTROLLING  
A MEDICAL DEVICE

\* \* \* \* \*

January 17, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**(Filing Date Granted)**  
**and**  
**REQUEST FOR CORRECTED FILING RECEIPT**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

**I. Response to Notice to File Missing Parts of Application**

In response to the Notice to File Missing Parts of Application, filing date granted, dated January 8, 2000, applicant hereby submits the following:

1. An original Combined Declaration and Power of Attorney for Patent Application form signed by inventors Bowen, Jonczak, Yorko, Mechlenburg, Duff, and D'Angelo;
2. A copy of the Notice to File Missing Parts, filing date granted, dated January 8, 2001 Form PTO-1533; and
3. A Fee Transmittal Form, submitted in duplicate.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 17, 2001 with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, DC 20231.

Michael W. Haas  
Michael W. Haas, Reg. No. 35,174

BOWEN et al. -- Appln. No.: 09/698,743

Applicant respectfully submits that the above-identified, executed documents completes the filing of the present application. Accordingly, an indication that the filing has been completed is respectfully requested.

## II. Request For Corrected Filing Receipt

Attached is a copy of the official filing receipt from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested. The attached copy of the filing receipt indicates the corrections requested. Namely, there is an error in that the issued filing receipt does not include all of the named invention. The issued filing receipt correctly indicated the following inventor:

Kevin Bowen, Pittsburgh PA,

but fails to identify the remaining inventors:

Daniel Jonczak , Greenburg, PA,

Gregory Yurko, Murrysville, PA,

Douglas M. Mechlenburg, Pittsburgh, PA,

Winslow K. Duff, Export, PA, and

Mark D'Angelo, Harrison City, PA.

The corrections to the official filing receipt are not due to any error by applicant. Therefore, no fee is believed to be due.

The Commissioner is hereby authorized to charge any deficiency in the indicated fees or charge any overpayment to deposit account no. 50-0558 under order no. 99-26.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (412) 473-5026

Fax No.: (412) 473-5021

RESPIRONICS INC.  
1501 Ardmore Boulevard  
Pittsburgh, PA 15221-4401  
1-800-638-8208



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/698,743	10/27/2000	3764	1676	99-26	8	47	9

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## FILING RECEIPT



\*OC000000005660053\*

Date Mailed: 01/08/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/162,677 11/01/1999

Mark D'Angelo, Harrison City, PA

## Foreign Applications

If Required, Foreign Filing License Granted 01/06/2001

## Title

Method and apparatus for monitoring and controlling a medical device

## Preliminary Class

128

Data entry by : NEWTON, WILLIAM

Team : OIPE

Date: 01/08/2001

